

—THE LAW OFFICES OF—



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January 14, 2020

VIA ECF

Honorable James L. Cott
United States Courthouse
500 Pearl Street
New York, New York 10007

RE: Kaye v. NYC Health & Hospitals Corp. et. al.
Index No.: 18-cv-12137(JPO)(JLC)

Dear Honorable Judge Cott:

I respectfully write to update the Court on the parties' ongoing discovery disputes. Since my last correspondence to the Court, Defendants have produced the 1,900 pages of EDiscovery they referenced. However, the other issues remain unresolved:

- Defendants have refused to reveal the initial number of documents collected in the corpus using the search parameters prescribed by the Court;
- Defendants have not disclosed what criteria they used to reduce the initial corpus to 6,000 documents;
- It was revealed during the course of the meet and confer that Defendants' ESI Counsel tagged the 6,000 documents for Ms. Canfield's review. However, they did not disclose how Ms. Canfield reduced this number to the 1,900 pages of EDiscovery that was eventually produced; and
- As per my prior correspondence to the Court: I asked how Defendants trained the CAL; and what documents were used to do so. Again in both instances, Defendants failed to disclose anything more, they made the statement that I was engaged in discovery upon discovery.

In closing, I seek the Court's intervention so that Plaintiff obtains EDiscovery consistent to the tenets enumerated in the Federal Rules of Civil Procedure and the Sedona Conference. As Your Honor is aware, EDiscovery should be collaborative and transparent. It is Plaintiff's position that she has been denied the opportunity to collaborate on search criteria and the culling/validation process. Instead she has been forced to accept Defendants' production without any further opportunity to obtain additional clarification into the process or to participate in a manner that is customary in EDiscovery cases before this Court. Plaintiff only wants the opportunity to fairly pursue her claims, as such she seeks the Court's intervention accordingly.

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Respectfully submitted,

/s/

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c: Donna Canfield, Esq.
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